



TESTIMONY OF ELIN E. LOBEL, PHD

BEFORE THE

APPROPRIATIONS COMMITTEE OF THE MARYLAND HOUSE

For a hearing on

HOUSE BILL 0493: “STATE PERSONNEL –COLLECTIVE BARGAINING – Faculty,
Part Time Faculty, Postdoctoral Associates, and Graduate Assistants”

FEBRUARY 9, 2024

FAVORABLE

Chairperson Barnes, Vice Chairperson Chang, and distinguished members of the Appropriations Committee:

My name is Dr. Elin E. Lobel and I serve as a Professor in the Department of Kinesiology in the College of Health Professions at Towson University (TU). I have been a faculty member at Towson University since 2002. I am also the current President of the TU American Association of University Professors (AAUP)/Faculty Association, which has stood for more than a half century as the longest continuously operating advocacy chapter in Maryland. For decades, the chapter has been a constructive and integral part of our shared governance model: our Senate bylaws include a designated seat for the TU AAUP President, who is *ex-officio* and voting not only to that body, but also to the Resource Planning and Advisory Committee (RPAC). My discussions with past TU AAUP Presidents and the current membership have led to our unanimous endorsement of this bill. We urge this body to pass House Bill 0493 to strengthen democracy and equity in our workplace and on all of the University System of Maryland (USM) campuses.

Our chapter supports this bill for many reasons; I present here several key ones.

1. The right to bargain collectively is a justice, equity, diversity, and inclusion (JEDI) issue, integral to protecting academic freedom, as educators reckon with inequalities in our state and beyond.

As a legacy normal school and teaching comprehensive college, Towson has a longstanding track record of producing the largest number of K-12 teachers in our state, so modeling inclusive pedagogies matters for creating equal access to educational opportunities. While Towson has always served a majority female identified student population and a significant first-generation college demographic, we are also now a majority students of color campus; this requires being responsive to the evolving learning and teaching dynamics. In addition, Towson

still has the majority of female faculty earning less than their male counterparts doing the same job.

Faculty need academic freedom to facilitate discussions about the ongoing challenges facing American democracy in 2024 and beyond; this necessitates equal access to due process rights and robust professional development resources. The Provost has agreed with calls for more holistic teaching assessments and supports, given how research suggests student evaluation(s) may perpetuate other discriminatory dynamics.¹ However, it can still be documented as a “cause” cited in unfavorable promotion, tenure, rank and merit (PTRM) letters and a justification for both tenure track, tenured, and adjunct faculty being non-renewed, without any means to check for biases. The “aspirational R2” directions Towson is taking (cf. point five below) will redistribute workloads unevenly, which impacts course caps and teaching assignments, just as the learning needs become more intense and varied.

2. Collective bargaining can enable professional procedures demonstrated to be equitable and effective irrespective of race and gender, but currently inaccessible to faculty of all ranks in the USM.

As President of the TU AAUP/Faculty Association, I field a range of workplace circumstances experienced by faculty at all ranks. The majority of the faculty that I work with to resolve workplace issues are female and/or minorities. The most concerning issues arise when an administrator acts in ways that disregard known shared governance norms and procedures. For instance, faculty have been subjected to *ad hoc* requests for meetings and impromptu class visits with insufficient advance notice, without being told the purpose. This needlessly escalates issues into forms of workplace bullying. As a result, faculty sometimes request accompaniment, to make sure someone can take notes during stressful meetings; however, administrators frequently decline such requests, claiming the issue(s) to be a “private personnel matter.” They assert faculty cannot consent to waive their right to privacy with an administrator during professionally consequential meetings. Some of our College of Education faculty have noted unionized K-12 schools offer educators such rights. We also have adjuncts who have worked at Goucher, McDaniel and MICA, where SEIU Local 500 has used federal NLRB laws to organize contingent faculty. Our educator colleagues elsewhere throughout the state have access to options for accompaniment at meetings that tenure-line and tenured faculty do not consistently have on the Towson campus.

3. The right to bargain collectively can strengthen shared governance by enabling transparent frameworks to negotiate equitable options for conflict resolution.

Some workplace issues reflect power dynamics relevant to the Office of Inclusion and Institutional Equity (OIIE), particularly when a situation personally and professionally harms

¹ Heffernan, Troy. “Sexism, racism, prejudice, and bias: a literature review and synthesis of research surrounding student evaluations of courses and teaching.” *Assessment & Evaluation in Higher Education*. Volume 47, 2022 - Issue 1, pp. 144-154. <https://doi.org/10.1080/02602938.2021.1888075>

faculty, as they are then “gagged” by Human Resources (HR) from publicly discussing the issues. This works at cross-purposes with efforts to train “inclusion advocates” to serve on hiring committees, if little is done to support diverse faculty *after* they are hired. Further, the administration has implemented a Faculty Gradual Intervention Guidelines or F-GIGs for Deans and chairs to use against faculty of any rank, which have raised serious concerns. These F-GIGS currently have no expiration date so for a faculty member who receives one they can be used against them for their entire career at Towson University without any recourse. Some assume that Faculty Grievance and shared governance mechanisms adjudicate such situations, but even when they rule by majority vote to support a faculty member, the Provost Office and a Dean can and do unilaterally overrule a faculty committee decision. As faculty have no equivalent complaint filing option against administrators, F-GIGs should be regarded as an unfair labor practice. The TU AAUP/Faculty Association proposed a half decade ago a motion to the Academic Senate recommending that the Provost Office commit to hiring an Ombuds, like they have at College Park. Despite overwhelming support, the administration does not view this as a priority, even though it could make a real difference to a range of workplace culture challenges.

4. Collective bargaining rights would prompt clearer decision-making protocols, to discourage inconsistent implementation of health and wellness policies.

As is true for many workplaces, the pandemic highlighted a range of ways Human Resources fields ADA, FMLA and parental leave issues in inconsistent ways; faculty are then limited in how they can use grievance mechanisms when the issues are then turned into a Promotion Tenure Reappointment and or Merit issue in conjunction with a Human Resources issue. At Towson University, there is no single human resource staff member who does not report a conflict of interest to faculty in support of administrators (chairpersons and deans) on campus. The Academic Senate Faculty Compensation Review Committee does not currently factor how these issues impact salary compression and inversion, as well as other benefits and workload considerations. The administration otherwise claims these are mainly a “collegiality” coverage issue, which does not acknowledge situations when someone may be the only faculty member who teaches a specialized topic or subject area, nor does it acknowledge how faculty rank differences lead to unequal access to accommodations otherwise extended to most staff and students on the campus.

5. The right to bargain collectively can ensure TU earns its R2 status in responsible and sustainable ways for faculty, staff, and graduate students alike.

Faculty of all ranks have worked tirelessly to make it possible for the USM to affirm Towson’s aspirational R2 status. Despite reassurances that the R2 goals would mainly impact new hires and benefit faculty who prefer reduced teaching loads to focus on research, some are already being subjected to vague standards that require them to formulate professional development plans different from past expectations and not documented in any policy guideline for TU Faculty. Furthermore, R2 becomes invoked as the rationale for changes to faculty workloads, but administrators delegate actual implementation to non-shared governance entities at the

college level with no further oversight. This means R2 peer institution comparisons have not yet been put into relevant context(s) with few specifics on ways to support impacted faculty, staff, and graduate students. Many have stated that R2 status and diversity go hand in hand but to date there is little evidence in the USM that this is actually true. Towson University and many others in the USM system have demonstrated a continued lack of concern over retention of diverse faculty and continue to cite the great resignation as the explanation for this state of affairs. The right to bargain collectively could provide important checks and balances on administrators who expect faculty “to do as I say, *and* not as I do.”

6. The right to bargain collectively can coexist with shared governance on all USM campuses.

Shared governance bodies on all University System Maryland campuses will still exist even if those campuses chose to unionize and bargain collectively. Many of the best universities in the nation have both shared governance bodies and unions which demonstrates that it is not an either or question. Shared governance and collective bargaining together can support academic freedom and free speech in the challenging times ahead. The Council of University System Faculty (CUSF) this past month voted unanimously in support of this bill; our representative colleagues participated in good faith, in a system-wide shared governance forum, voicing the consensus on their respective campuses. Yet the USM continues to state that shared governance could be jeopardized by this bill, in a gesture that flagrantly disregards a unanimous faculty vote that merely affirms the right to have choices in a democracy.

On behalf of the TU AAUP/Faculty Association, I urge you to vote for this bill and allow faculty at all and any rank to choose whether or not they want to use collective bargaining to improve their working conditions. You will be demonstrating your commitment to higher education as a public good and acknowledging that employees and employers together know best how to continue developing the institutions that expand and communicate knowledge for the benefit of the entire community.

I thank you for considering these thoughts and enthusiastically reaffirm our chapter’s endorsement of this bill.